

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 16782 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE C.K.BUCH

- =====
1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

JANKI DIPAK VASAIWALA

Versus

REGIONAL PASSPORT AUTHORITY

Appearance:

1. Special Civil Application No. 16782 of 2003
MR NILESH A PANDYA for Petitioner No. 1
MR DN PATEL for Respondent No. 1
NOTICE SERVED for Respondent No. 1
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CORAM : HON'BLE MR.JUSTICE C.K.BUCH

Date of decision: 17/12/2003

ORAL JUDGEMENT

1. Rule. Service of rule is waived by learned

advocate Shri Krunal Pandya appearing for Shri D.N. Patel, Sr. Standing Counsel. At the request of the learned advocates, the petition is finally heard today.

2. In this petition, by invoking jurisdiction of this Court under Article 226 of the Constitution, the petitioner has prayed following main relief :-

9(A) This Honourable Court may be pleased to
issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondent, its agents and servants to issue the passport to the petitioner as per her application dated 28.11.2003.

3. The petitioner submits that petitioner applied for getting passport vide application on 28.11.2000 and was given File No.B.064670 and Key No.6606267000. The petitioner has not been issued passport on the ground that she has not issued Police Clearance Certificate (PCC for short), though the petitioner had already submitted the same along with her application. She has submitted that Deputy Commissioner of Police (South) Vadodara City has issued PCC dated 12.10.2000 and therefore, it would be proper to direct the respondent to issue passport considering the case of the petitioner. Mr. Krunal Pandya, ld. counsel appearing with Mr. D.N.Patel, ld. Senior Standing Counsel that petitioner applied for passport after she obtained PCC viz. PCC issued to the petitioner is before the date of application made by her to the passport authorities.

4. The petitioner has already submitted his application to the respondent on 28.11.2000. Ld. counsel Mr. Pandya appearing for the respondent has stated that the respondent shall consider the case of the petitioner. I am sure that the respondent shall examine the application of the petitioner and shall take final decision in accordance with law.

5. The petitioner shall first of all pay a sum of Rs.2,500/ (Rs. two thousand five hundred only) towards costs to the respondent as the respondent will have to correct the passport and will have to do all formalities only because of a mistake committed by the petitioner. Only after the said amount is paid by the petitioner, the needful shall be done by the passport authority. Petitioner, is directed to pay the aforesaid amount of costs to the respondent passport authorities directly.

6. In view of the above direction, the petition

stands disposed of as allowed. Rule is made absolute to the above extent. D.S. permitted.

[C.K. BUCH, J]

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